MONTESQUIEU'S

ESSAY TOUCHING UPON NATURAL LAWS

& THE DISTINCTION

BETWEEN JUSTICE AND INJUSTICE

[ESSAI TOUCHANT LES LOIX NATURELLES

ET LA DISTINCTION DU JUSTE ET DE L'INJUSTE]

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MONTESQUIEU'S

ESSAI TOUCHANT LES LOIX NATURELLES ET LA DISTINCTION DU JUSTE ET DE L'INJUSTE [i]

translated by

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STATE OF THE QUESTION

From the moment that one has perceived, through contemplating the world, that there is a wise, good, all powerful God, there comes into the mind another thought, whether that sovereign Being has really abandoned us to ourselves, or indeed whether, subject to him with respect to our existence, we are not also subject to him in relation to our actions—in a word, whether we are obliged to practice all those duties which are comprehended under the name of *natural Religion.*

IMPORTANCE OF EXAMINING THAT QUESTION

It is important to illumine that doubt, on account of that Being whom I risk at every moment to offend, and whom I must strive to render favorable to me, if I understand my true interests. For, how do I know whether the Divinity requires nothing of me? And although it might never have spoken to me itself, it can so provide that it speak to me by the intervention of my reason.

I will, therefore, listen to this interpreter (reason), the sole of which I know until now, and that which it will discover to me about God's will, which is what I call the natural Law. It is clear that if there is effectively such a law, or such a will of God, there will be a difference between good and evil, the just and unjust, and virtue and vice. In general, everything which will be contrary will be unjust or bad; virtue will be the disposition to practice what the law ordains, while vice will consist of the habitude of doing what it prohibits.

CONDITION REQUIRED FOR MAKING A LAW

That men should, therefore, be subject to the laws, already that is what the nature of things insinuates in us. The Law assumes a superior who commands and some inferiors who would obey him; a superior powerful enough to cause himself to be feared, but equitable, and full of goodness for his inferiors, two absolutely necessary conditions, which give to one the right of commanding, and which form in the others the duty or obligation to obey; strength and power

to distinguish the superior who commands from a friend who counsels, but a strength tempered by the goodness in order not to confuse him with a tyrant who oppresses. The law assumes further some inferiors, capable of acting upon reflection and understanding, and who would be of a nature to be able to be rewarded or punished. All these circumstances are found assembled here in order to subject men to the laws. The superior is God, and inferiors are men. God only requires of us that which our reason discovers to us. Is there a better master, and could one complain about him? But further, he is in a position to cause himself to be obeyed: He can make his creatures happy or unhappy, and (the) men determine themselves by an effect of their choice which makes them worthy of praise or of blame; they are susceptible to pleasure or pain, and consequently to reward and penalty.

AGREEMENT OF THESE LAWS WITH GOD'S WISDOM

The suspicion increases from the moment one casts an eye on this universe—nothing wiser than the manner in which it is guided and governed; nothing more beautiful than the arrangement and the connection of the different parts which constitute it. Man, that master work of the creation, man—could he alone be left, abandoned, to live in disorder and irregularity (?) All creatures have their end and their destination; man—would he alone be excepted to follow only his caprice? All creatures are united together; they sustain themselves by a correspondence which one could not know how to admire sufficiently. But men, if they are not checked by any law, and, on the contrary, all should be allowed for them, you will see them mutually annihilate one another and miserably run to their own fall. The sovereign wisdom, which shines everywhere else,—could it have forgotten itself in a matter of this importance? Apparently it has also prescribed for us some laws to be the rule of our actions and of all our conduct.

1. Their Necessity Derived from the Nature of Man

To convince oneself it is only required to consider man a little more closely, and one will see that the excellence of his nature demanded that he should conform his actions to a certain rule. If that is not so, the talents which he has received are of no use, and it will be difficult to justify the creature who has sowed them prodigiously without any aim. Man can employ his reason, both for his good and for that of others, his understandings to propose a good end for himself, and his talent and his skill to attain it; and if he fulfills all these aims well, he becomes worthy of him that made him and has spared nothing in embellishing his work. But for what would the lights of reason serve, if it is not in order to enlighten his conduct? To what good the power to weigh (suspend) his judgments, if one gives himself at once to the first phenomena

(appearances)? To what good reflection and the other qualities of the mind, if one applies himself only to what strikes the senses and, instead of consulting his prudence, one should blindly follow the impetuosity of his passions? To speak frankly, there is one lot of useless expense, if it were only a matter of decorating a beast, and if man has been formed only to live in a sensual and brutal manner. In effect all these beautiful qualities, which distinguish him so advantageously, would be reduced to nothing, separated from their legitimate use.

2. About the Abuse that he (man) could Make of His Qualities and of the Inconveniences which would be Generated from it

But I also say that the abuse that he could make of it if all were allowed to them comes to manifest the creator's intention. That the beasts might not be subject to laws, that is not surprising: destitute of reason, they can only be strongly uniform in their actions, and soon as they have appeased their hunger and their thirst, one sees them tranquil and satisfied. It is not the same in this for men, in whom the inclinations vary momentaneously. Above the necessary he pursues the superfluous, and multiplies his needs to infinity instead of restraining them to the true necessities of nature. He is not content with the food such as nature prepares it for him; it is necessary that art mix with it in order to incite his appetite, which throws him into intemperance and debauchery. His prudence becomes defiance and his reflection becomes worries which gnaw at him. Worried and little content with what he possesses, he beholds the good fortune of others with envious eye. Does he have some wit (mind) and talent? He will make use of it to supplant you. Has he some strength? He will employ it to oppress you. Does he have a noble and elevated soul? He will sacrifice everything to his ambition. Beasts attack no one, at least unless one incites them or unless hunger should drive them; but it would be necessary ceaselessly to guard against man. He is enraged over the least subject, and ill fortune to you if you are the innocent cause of it. (There is) no cruel war that he would not be capable of stirring up, and you should fear lest he soon put it in practice. He will

all the better succeed in his unfortunate designs, because he only has too much skill and cunning.

3. The More Mind he Has the More Would He Be to Be Feared If No Law Ruled His Passions

In effect, he is subject to a great number of passions which, connected with much wit (mind), become infinitely dangerous. It is not that the passions, considered in themselves, do not contribute to our preservation; they urge us to the pursuit of whatever is useful for us: that is most true; but if they are not directed towards their true objects, they only cause to incline toward the principle [of what is useful] with more strength and speed, and they would cause endless disorders in the world, if the laws did not oppose a powerful barrier. The earth would any longer be only the repair of tigers and lions, who would join to cruelty every imaginable finesse. Nothing would be so pernicious to man, if he had a share of so much mind and reason—that is the most fatal gift that one would have been able to give him. A sword, which one places into the hands of a madman, is not more harmful to him; and that same man, whom I should admire, becomes for me a subject of horror and fear, a monster who obsesses me on every hand and against whom I am perpetually on guard. Now if the wisdom and goodness of God do not permit one to conceive such a thought, it's necessary to turn matters back to another point of view and to conclude that men are subject to the laws.

ABOUT LAWS IN PARTICULAR AND THE USUAL MANNER OF FINDING THEM

But what are these laws in particular, and by what sign may one know whether an action is just or unjust? Folk commonly say that our

mind is made in such a manner that it consents to certain truths immediately without effort and without reasoning; as, for example, that the whole is greater than its part, and two things are equal when each is equal to a third. Such are also those maxims of morality; it's necessary to keep one's promise; it's necessary to be grateful; do not that to another, which thou wouldest not have done to thy self* . . . etc. . . . Maxims which it is not possible to reject and which each recognizes as most just as soon as one proposes them to him, which are common to all men in all places and at all times. So prompt and so general consent can only derive from their evidentness and from the natural proportion which they have with our mind, and which (proportion) can only have been established by nature's author.

EXAMINATION OF THE FOREGOING METHOD

Moral Maxims are not. . . **

One would not know how to contest the advantage of brevity with that method, but here it is a question of persuading and convincing, without assuming these principles of the just as evident in themselves. It would be good to support them on another foundation, were it only for the sake of placing them under better cover and shielded against every suspicion of prejudice and illusion; for it is not entirely so for this maxim, as for that geometrical verity, the whole is greater than its part. One would not know how to deny the latter without overthrowing the ideas of whole and part, and without involving oneself in a contradiction, which is the sole characteristic of evidentness, when it is a matter of speaking exactly, whereas by denying that it would be necessary to keep one's promise, one falls into no contradiction. The ideas persevere and are not destroyed, and consequently one is in right to ask for the reason of that maxim. In effect, soon as you understand that there are motives and reasons of very great weight which engage me to do it and which it

is necessary to develop (elucidate), if you respond that it's necessary to keep one's promise because that is just, either that term bears some meaning (sense), or indeed that signifies nothing else if not that that is in agreement with the law; the law can only be the will of God, and how does one know that God wants it so? That is precisely what one looks for.

THEY (MAXIMS) ARE SUBJECT TO SOME EXCEPTIONS

Another prejudice against the absolute evidence of the Maxims of morality—that is that usually they are subject to several exceptions, which has caused an ancient philosopher to say that in certain cases it's necessary to alter the order of things, and to do the contrary of what seems worthy of a just man and a man of probity. One ought to refuse to give back to a madman the sword which one has received on deposit. Sometimes it is just to go against the truth and to fail in one's speech, because it's required to relate all of one's actions to those two foundations of justice, to do no harm to anyone whatever and to have for aim the public good. Therefore it is not evidently just to follow the truth or to keep what one has promised, as it is evidently true that the whole is greater than its part, since it is sometimes just to go against the truth or to fail in one's speech, and because one needs a fixed principle in order to guide himself when the maxim varies according to the circumstances. Now, one should want to know that general principle from which one may derive all the rules of morality, and which serves to restrain them appropriately when the places, times, and occasions require.

OFTEN THEY (MAXIMS) ARE DISPUTED BY DEFAULT OF KNOWING HOW TO REASON

Further, the verities of the first evidentness are accepted by all men without exception: no one has ever conceived to doubt whether two

times two might equal four. In this it is not the same for the maxims which are in question. They have been contradicted frequently by some whole societies. The Greeks and Romans made no scruple about exposing their children in order to leave them perish of hunger, or be devoured by ferocious beasts. Among the Lacedemonians cunning larceny was allowed, and almost all the pagans have treated self-murder as heroic action. To make folk engage with one another in combat to death was for the largest part a most common diversion, a spectacle which constituted the delectations for a whole people; and in our days, in which fashion has rendered duellings honorable, how many murders do folk not commit without any remorse?

If, in order to destroy these prejudices one is content to appeal to evidentness, it is clear that one is assuming that which is in question: no one pretends to combat them and each persists in his sentiment. Someone has done me some good; it is just, does one say, that I return it? Let it be. But if someone has done me some ill, is it just that I return that also? To consider only a vague idea of justice, and without any respect to the good and to the physical (material) ill which results from the action, it would seem that one reduces the two cases to a perfect equality, and that if one established gratitude by the first, one authorizes at the same time revenge by the second. Say to a cannibal, aught from his youth to kill men in order to feed on their flesh, that that is an unjust action, and that he only has to seek within himself in order to find there a law which would prohibit it, he will naively answer you that he perceives nothing of the sort, and that they from his country are made like him. It is in vain that you will try to convince him. The example and education have conquered his mind, and have erased his natural impressions to which only you pretend to lead him back, and which he is no longer in a condition to recognize.

GENERAL PRINCIPLE OF MORALITY DERIVED FROM THE GOODNESS OF GOD

But in the end, what is that principle which serves to discover the rules of morality? Folk have already understood the necessity of laws by the interest which men find in them. Do not lose sight of that thought which is so naturally offered to the mind. Let us examine whether it would not also be of some use in the search for each law in particular. At least it is hardly possible to conceive that a legislator as wise, as good, and as disinterested as God is, might be able to propose to himself any other goal than the good fortune and preservation of men.

PARTICULAR APPLICATION OF THIS PRINCIPLE

That laid down, return to the American about whom we happened to speak. Tell him that, if he loves himself well, if he takes his true interests to heart he will renounce at an early time his manner of living; that otherwise he is exposed to being dealt with in the same manner with which he deals with others. On the other hand, make for him a pleasant painting (portrait) about the gentlenesses which humanity procures, about the advantages that are generated by the mutual services which folk might offer one another; finally about the happy peace and tranquility which reigns in a well ordered society; perhaps you will make him more attentive by such discourses, and you will begin to shake up that barbarian soul. To this point those are the counsels of prudence which you dictate to him, and not properly some duties which you impose on him: free and master of his conduct, he recognizes no superior. Teach him then that God is the master of all men, their common father, that he is too wise and too good to allow them to tear themselves apart, some the others, that besides he has sufficiently provided for their sustenance. . . etc. It is thus that you will guide this man to the law of nature.

TRUE MANNER OF SEEKING THE NATURAL LAWS

But the test which one comes to make of this method invites to push it further, and in order to develop it with more order and clarity one will reduce it to these two propositions.

The first, that which men must do in order to be happy;

The second, that God wants their good fortune and their preservation.

From that this consequence, that every maxim which will tend towards that end will be regarded as a natural law.

1. Maxims By Which We Think of Ourselves

I. Each loves himself, each wishes to be happy and has an extreme aversion to misery. That love, which he has for himself, is inseparable from human nature: it is from every age, from every century, from every country, a principle older than education and truly born with us, which influences all our actions and which is the first, or to say it better, the only motive of them. But if it is certain that all men long for good fortune, it is not difficult to discover the route which leads them to it. There is hardly anything more precious than health: the true means of preserving it, that's sobriety and temperance. It is important to do nothing for which one would be able to repent subsequently and always to know how to take just (exact) measures for arriving at a good end. That's the character of wisdom and prudence.

It's a great advantage not to succumb to the afflictions which befall us but to bear them tranquilly, without intensifying their bitterness through useless regrets. And what places the mind in that happy case, if it isn't courage and endurance (patience)?

2. Those (Maxims) Which Relate to God

What if, from the matters by which we concern ourselves with ourselves, we pass to those which regard God; we will see them flow from the same source. If God is a sovereignly perfect being, we could not know how to refuse him our awe (admiration) and our esteem, an usual effect of the love that we have for ourselves, which causes us to assign the prize to perfection, since with it we will feel our good fortune to grow. If all our goods come from the hand of God, we will have love and gratitude for him, another effect of the desire to be happy, because it is by the nature of love to have for an object a thing which pleases, and because nothing contributes more to our good fortune than a beneficent person. If God is all powerful, there is reason to fear him. If he is our master, it's required to obey him, a consequence of our subjection and of the aversion that we have for the misfortunes that a rash disobedience could draw upon us. Finally, if we are in misery, what (is) more natural than to pray to him to deliver us from it? And if we are in prosperity, to ask of him that he would continue us in it? All these maxims are easy to know, inspired by the sentiment of our own needs. Those are masters who speak clearly. All that they dictate is within the reach of the most stupid.

3. Those (Maxims) Which Relate to the Neighbor

They are no less clear about the manner in which it is necessary to conduct oneself with regard to the neighbor. It matters for us to be

united with the other men, to live in peace and in good communication (intelligence) with them; upon this is our preservation subject; it is incompatible with war. But the surest means for obtaining that peace; that's to search for it ourselves and to make our every effort to establish it. It matters to us that folk love us, that folk succor us, in our necessities, and is not the true manner of inclining folks to this to love them ourselves, to serve them also on the occasion? It is for our interest that folk protect us and that our property and our life be in safety; but how to hope for this advantage, if we are the first to ravish the property of others; if we attack his life instead of defending it? In a word, it is for our interest that men would do us what we desire, and for that effect it's required so to engage respecting them in the same manner; for, being all naturally equal, besides the same needs and the same aids, the same case and the same circumstances, there is no reason for which some would claim a privilege that they would refuse to the others in a like case. From that kind of balance which is found among men, the common ideas of justice and equity are generated.

THEIR (MAXIMS) UTILITY RESPECTING HUMANKIND IN GENERAL

The last maxim which one comes to propose and which comprehends all the others is visibly founded on the love of ourselves, and it suffices to consider its terms in order to be convinced of its importance and its utility. That which we would that folk would do to us, that's the desire which inspires in us the love of ourselves; let us do the same for others, that's the counsel that that love gives us, and that's the most salutary of all counsels. Each will do good to all, and that good will redound to himself; all will enlist themselves in his favor. One will cause no harm to anyone, and by this means one will receive none from anyone. One will be grateful, and he will obtain new benefactions; folk will carry on a pleasant trade in this. No one will seek to elevate himself above the others, and no one will expose himself to be demoted. There will be among men neither envy nor hatred. They will all think only

about mutually assisting one another. That will be nothing but a single family, the union of which will be cemented by friendship, and the earth will become a paradise in which its inhabitants will swim (wallow) in pleasure and joy.

EVILS WHICH ARE GENERATED BY THEIR NEGLECT***

But, lay it down that they (men) no longer observe these rules among themselves, what a mass of evils then springs into view! War replaces peace, violence and cruelty, gentleness and moderation. License opens the gate to murder and brigandage. A frightful misery spreads everywhere. Ingratitude checks the course of benefactions, while revenge perpetuates the misfortunes of faction (division). Fraud and faithlessness banish all reciprocal confidence; all the ties which unite men being unloosed, there is no longer any safety for them; the most sacred rights are crushed underfoot; the friend makes ready to betray his friend, the son to rid himself of an inconvenient father: each is ceaselessly on alert, and beholds himself on the eve of being disgorged. If that were, what should become of the world?

In what horrible confusion would it not be found? Vice, considered in itself and without respect to the law, is no other thing but that which causes ill and disturbance, and it is as really distinct from all that one calls virtue as the good fortune and misfortune of humankind are two different and opposed things.

WHAT DISTINGUISHES A MAXIM FROM A LAW

II. It is much to have come thus far: nevertheless it is not required to rest here. That men would not be able to subsist without virtue is not sufficient: It's necessary to incline them to it by duty and obligation. A doctor gives you useful counsels for health: it is a matter of prudence to follow them. But those counsels are nowise laws which might have the strength to oblige and constrain. It is in this similar with the counsels which our self-love offers, I mean an enlightened and well understood love; it would be madness not to want to listen to them, but one is still not accountable to anyone. One always performs what the law prescribes as a duty. To the end, therefore, that the maxims of morality might have the force of law, it's required to re-ascend (transcend) to the will of a superior, before whom we be responsible for our conduct, and that is the second proposition that one is going to prove.

GOD WISHES THE GOOD FORTUNE AND PRESERVATION OF MEN

God wishes that men preserve themselves, at least to the extent that that depends on themselves, and when one should not otherwise know so, his goodness alone should convince us of it. On the one hand he has given them a violent love of life and on the other all the means of preserving it. I leave to one side that infinitude of creatures who serve our good and our preservation, in order now to consider only our faculties, which all relate to the same end, and which do not stray from it except by our fault. God has given us understanding for acquiring the knowledge of things and the relations they have with us; reason as a guide and torch for guiding us in this pursuit; the power of suspending our judgment and our actions, in order not to plunge head lowered into error and evil; the senses, that of sight, for example, in order to avoid precipices and running into the objects which threaten us; the feelings (sentiments) of hunger and thirst, of pleasure and pain, the one for distinguishing the time in which it's necessary to recruit our strengths, and the other for knowing which objectives are useful or harmful. Finally, the manner in which we are made, the wonderful structure of

our body, its strict union with the soul, all manifest the creator's goal, and one could not know how to comprehend that he had formed men with so much precaution in order indifferently to behold his most beautiful work destroy themselves by an effect of their caprice.

THEREFORE THE FOREGOING MAXIMS BECOME SO MANY LAWS

But, if it is true that God wishes the preservation of men; and if it is true, as one has proved already, that it depends on their manner of living; then, consequently, he takes interest in their conduct, and he does not wish that they be its absolute masters; if God has made them of such a nature that they should not know how to subsist without temperance; if he has placed them in such a case that some could not be able to do ill to others without in turn feeling a furious counter-strike; if he has attached in an inseparable manner the good fortune of humankind with virtue; does he not indicate his will, and what ought to be the rule of our life? He wishes then that we be sober, enduring (patient), wise and prudent, peaceful and moderate, just and charitable, and he requires these duties from us, by the fact, even, that we are his work and that he longs for our good fortune and preservation.

MOTIVE DERIVED FROM THE FEAR OF GOD

In general, all those maxims that one has in view above become by this means so many laws which oblige us, and every action which is contrary to them takes the quality of just or unjust. And, because it would have been in vain that God should have given us these laws, if the fear of displeasing him could not commit us to observing them, he wishes that we should recognize his greatness and power (authority); let us fear him, let us love him, let us respect him, not that he might need

our homages, but to the end of better suiting ourselves to obey him. That motive is of the ultimate importance, and almost the sole capable of deciding, when it is a matter of renouncing one's individual interests in order to obtain the welfare or advantage of the greater number. God, as the common creator and father of all men, doubtlessly intends what causes their greatest good fortune, and he ought to have far more at heart the public utility than the good or advantage of an individual. By the same reason that several are worth more than one, he is inclined to value the things in themselves, and not according to what they are relative to each one. There does not belong to me any more to say: I should indeed want this, I should find my account there, and other reverses of that nature, which could be able to create an illusion for my heart(?) Today, the law is known to me, I recognize its indispensable necessity: it imposes the same duty on each, and I nowise see that it excepts me. It is therefore for it to indicate to me the limits of the just and the unjust, and for me not to displease the sovereign legislator. And if for having violated laws so necessary, there subsequently befalls me some evil, I would be able to impute to none but myself the cause of my misfortune, which is called deserving the punishment.

A SECOND MANNER OF FINDING NATURAL LAWS

Man is Made for Society

One has found natural laws in the most general principle and from their first origin. Presently, in order to give them a new strength, it will not be useless to consider another view of the creator. Man has not been made in order to live alone, but in order to be in association (society) with his similars. It is for that that speech has been given him so as to communicate his thoughts to others, and it is also to the same goal that he has received several beautiful talents which would be buried, or which would only develop most imperfectly, if he spent his days in

solitude. But if man's qualities lead to this truth, his natural weakness demonstrates it. He hardly notices (sees) the light before unconquerable needs besiege and burden him: incapable of relieving them himself, it's required that he should perish if no one takes care of him. At a more advanced age, he will have contracted a ferocious spirit (humor), he will not know how to pronounce any articulate word, his thoughts will only be much confused, and he will be ignorant of all life's conveniences. You will see him covered with moss or confined in some cave in order to protect himself from the injuries of the air. You will see him submerged in idleness; prey to sadness and boredom (worry), wandering in the woods, and trembling at the simple noise of a leaf, always apprehensive of wild beasts, deprived of every help and every support, and, if he happens to fall ill, ready to die from hunger and misery.

ADVANTAGES OF SOCIETY

Compare this kind of life with the condition of man in Society. You will much better sense the displeasures of the one by the advantages of the other. Outside of society man enjoys a liberty which would be unable to be anything but a burden for him: if it gives him the privilege of doing whatever he will, at the same time it leaves to others the right to resist him. But in Society each one makes use of liberty only insofar as it is required there in order to lead a comfortable and quiet life. The mine and thine have their fixed limits, and one enjoys them peacefully with his individual right. In the first (former) condition, the property and life of each are not secure, and he has only his own strength to defend himself. In the second, he is protected by everyone, and invasion becomes dangerous to whomever would wish to attempt it. There where neither understanding nor discipline is, each holds only what his own experience can acquire for him. Here he profits from the talent and industry of others: intercourse (commerce) forms him and gives to him new lights. Finally, outside of Society there is only worry and ferociousness; the fear never deserts me, everything fails me: both helps and consolations. But in the Society one beholds the politeness of morals

reigning; I find some friends who succor me in need, who soften my ills, and console me in my misery.

IT (SOCIETY) WOULD NOT KNOW HOW TO SUBSIST WITHOUT LAWS

If God has placed us in such circumstances, that we would not know how to do without others, doubtlessly he has made us for Society, and what aim has he had in acting so, if it is not that in consequence of this union, we would provide ourselves the mutual services that life's needs require? The thing speaks for itself, and from there are generated the laws about which we have spoken, since without them there would not be able to be any enduring society and all the ties which form it would be broken in an instant. I say more, not only would men lose all the fruits of Society, but it would also be most pernicious for them. Outside of Society, I am in a constant mistrust, which inspires in me the means of providing for my safety, and I would remove myself beyond the reach of that that would want to harm me. But in Society (without laws), I guard myself against nothing, while that security becomes fatal to me: I have to deal with the hidden enemies who surround me, and from whom the blows are so much the more certain as they are drawn from nearby and bearing on the end. As to me, I renounce such a Society, which should ceaselessly tender traps for my simplicity and innocence. I should prefer to go spend my life in isolated places, where at least I will be shielded from betrayal and injury.

THEREFORE GOD APPROVES THESE LAWS

Consequently, Society, to which the Creator destines us, assumes some Laws, which would be its base and foundation; upon which I reason in the following manner: God wishes, then, that men observe all

those laws, without which it cannot occur that Society subsist. Whence he could not but know how to approve and value them that try to second his aims and employ all their lights, and all their talents to obtain the good, as much for Society in general as for the members who constitute it. Whence he condemns drunkenness, debauchery, fornication, calumny, injustice, theft, and homicide, as actions which harm Society. What one commonly calls Just and Unjust, Virtue and Vice, are no longer matters subject to the caprice of legislators. They are certain and also distinct as the good or evil they cause for Society. In a word, every law, without which it would not know how to subsist, becomes by that a divine Law.

THIRD MANNER OF DISCOVERING OUR DUTIES

Finally, one could add that nature comes in here to the aid of reasoning. It has made us in such a manner that we are mechanically inclined to certain actions. The hands, feet, head, and all the parts of the body themselves assume, and without that mind should have a share in it, the position and movement necessary for the acquisition of the good, or the consequence of the evil, which appears. The fathers and mothers have a certain affection for their children which obliges them to take care of their education, and that inclination is a pure effect of the mechanism, since it is noticed in all the animals. It extends not only to our relatives and our friends, but also to all men. We would not know how to behold without pain someone who suffers: our guts are moved and that lively feeling inclines us to console him. Often a simple narrative, even a fable, snatches tears from us; so much is it true that nature beckons us to compassion. We are all tied together by a marvelous sympathy, which causes that we naturally and without design communicate to others the same passion which agitates us, which covers the face and the rest of the body with an air (look) capable of inspiring in those beholding (it) the same fear with which we are moved and of making a sudden impression upon them which would involve them *in* our preservation. A sad person inspires sadness in us, and compels us in some manner to compassion with his pain; on the other hand, if he gives signs of joy, he communicates to us his gaiety. Those are the wonderful effects of the

wisdom of God, who has made us one for another, and who, in order to supplement the delay of reasoning, has wanted to guide us at once to our duty. One could call this the Religion of instinct.

But one must beware that it would hardly be able to prevail in them in whom opposing habits have spoiled the disposition (temperament), or who from a poor education of which they have not been the masters, have abandoned every form of humanity. At that point it's required to recur to the path of reasoning, of which we have made use in the foregoing methods.

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* *Leviathan*, XV. Literally: It's necessary not to do to others that which we would not that they had done to us.

** Lacuna of the manuscript

*** *In observation*. The ambiguity conceals, or rather, softens the shift from "Maxims" to "Men."